

REMARKS

Reconsideration of the application, as amended, is respectfully requested.

Claim 1 has been amended without prejudice and new claim 16 introduced to recite preferred embodiments of applicants' invention which are more clearly differentiated from the cited art. Support is provided in the specification at page 7, lines 16-21; page 6, lines 28-29; and page 9, lines 20-22.

Claims 10 and 12 that relate to processes for preparing compositions and foodstuffs have been amended without prejudice to specifically recite one of applicant's preferred compositions employed in these processes thereby rendering the claims independent.

Claim 11 has been amended without prejudice to make its metes and bounds more definite.

Claims 2 and 4 are hereby canceled without prejudice.

The invention is directed to a pourable water-continuous emulsion composition for the shallow frying of foods. Applicants discovery combines specific emulsifiers, and antispattering agents, at specific levels, to produce storage stable shallow frying compositions having a fat content greater 50 wt% for minimal spattering.

The PAJ reference is directed to seasoning compositions for pan fried foods, especially stir-fried foods. The compositions appear to contain 10 to 50 wt% oil (preferably 20 - 40%), and 0.03 to 0.3 wt% emulsifier (lecithin is disclosed as an emulsifiers). The composition is used for introducing seasoning into the wok thereby

reducing the "oozing of water" from food materials during cooking and reducing the "waterishness" of the finished cooking (abstract).

In contrast, applicants' invention is directed to compositions for shallow-frying which comprise more than 50 wt% to 80 wt% fat and an emulsifier level of 0.35 wt% to 5 wt%. The Office points to no teaching of these fat levels in PAJ. Further, applicants employ a higher level of emulsifier to achieve storage stable compositions than the levels taught by PAJ.

Applicants' submit that the Office has identified no motivation for a person of ordinary skill in the art to modify the compositions disclosed in PAJ to arrive at the applicant's invention as recited in claim 1. For instance, PAJ appears to teach on page 4 of the machine translation that it is not desirable to increase the oil level above 50% by weight because the cooking becomes too oily. It is noted that claim 16 reciting a fat level of 55 to 75 wt% is even more remote from the teachings of PAJ.

Secondly, PAJ appears to teach away from using more than 0.3 wt% emulsifier in the seasoning composition because of burning of the food material and the accompanying undesirable effect on the flavor of the stir-fried dish (bottom of page 4 to top of page 5).

Finally, the Office points to no teaching by PAJ about salt functioning as an antispattering agent in the composition. Although the undersigned understands that both lecithin and salt were known as antispattering agents in oil-continuous emulsions, the Office points to no teaching by PA that salt functions with lecithin as an antispattering agent.

In summary, a person of ordinary skill in the art reading PAJ would have been dissuaded from modifying the seasoning compositions taught therein to bring any one

of the elements of oil content, emulsifier level or antispattering agents into the ranges required for applicants shallow-frying composition let alone all three elements at the same time.

In view of the foregoing, it is respectfully requested that the application, as amended, be allowed.

Respectfully submitted,



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